

**IN THE COURT OF APPEALS
FOR THE SECOND DISTRICT OF TEXAS
AT FORT WORTH**

FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS

5/10/2019 11:28:19 AM

Crystal Mason,
Appellant,

No. 02-18-00138-CR
DEBRA SPISAK
Clerk

v.

State of Texas
Appellee

**APPELLANT'S SECOND MOTION FOR EXTENSION OF TIME TO
FILE REPLY BRIEF AND FIRST MOTION TO POSTPONE ARGUMENT**

TO THE HONORABLE JUSTICES OF THIS COURT:

Pursuant to Tex. R. App. P. 10.5 (b) and (c), Crystal Mason, Appellant, respectfully requests that this Court grant a 45-day extension of time to file her Reply Brief, thus making her brief due Monday, July 1, 2019. Appellant additionally requests that the Court postpone oral argument, which is currently set for June 4, 2019, until a date that is convenient for the Court after July 15, 2019. As set forth below, Appellant seeks the extension based on her retention of newly added counsel and the need to ensure their ability to adequately respond on reply and prepare for oral argument, among other reasons.

In support, Ms. Mason shows the following:

1. This case is on appeal from the 432nd Judicial District of Tarrant County, Texas in cause no. 1485710D. Ms. Mason is appealing her conviction after a bench trial on the indicted 2nd degree felony offense of Illegal Voting.

2. The Clerk's Record was perfected on July 24, 2018, Appellant's Opening Brief was filed with the Court on November 19, 2018.

3. On consent of Appellant, the State took approximately 98 days in extension to oppose Ms. Mason's Opening Brief. The State filed its Opposition Brief on March 28, 2019.

4. Appellant seeks an extension of time to file her reply brief, which is currently due on Friday, May 17, 2019. Appellant additionally seeks to postpone oral argument, which is currently set for June 4, 2019.

5. Appellant respectfully requests a 45-day extension to file her reply brief, and to postpone oral argument until a date convenient for the court after July 15, 2019. Currently, Ms. Mason has taken only 30 days of extension on her Reply.

6. Ms. Mason has engaged new counsel, in addition to her current counsel, to represent her in this Appeal, including the ACLU of Texas, the Texas Civil Rights Project, and the National ACLU. These new counsel were retained this week. They have been working diligently to get up to speed on Ms. Mason's case and to prepare the reply brief; however, because they were only just retained,

they need additional time to adequately review the record, address the unique legal and factual issues raised by this case, and draft Ms. Mason's reply brief.

7. Because Ms. Mason's requested extension of the reply date extends beyond the date currently set for oral argument, Ms. Mason also requests that the Court postpone oral argument. Postponing oral argument until a date convenient for the Court after July 15, 2019, will give both the parties and the Court adequate time to review the briefs and prepare for argument following Ms. Mason's submission of her reply brief on July 1, 2019.

8. The State will not be prejudiced if the requested relief is granted. The State was afforded 98 days in extensions to file its Opposition. An additional 45 days to reply to the Opposition will not add significant delay to this case, and is appropriate especially given the unique issues raised by this Appeal.

9. Ms. Mason is on bond pending appeal.

Therefore, based on the addition of new counsel and the extensions that have previously been afforded in this case, Appellant Crystal Mason requests that this Court grant Appellant's motion and order her Reply Brief due Monday, July 1, 2019 and that the Court postpone oral argument until a date that is convenient to the Court after July 15, 2019.

Respectfully submitted,

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*Counsel for Appellant,
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* Motion to Appear *Pro Hac Vice* forthcoming

CERTIFICATE OF CONFERENCE

I certify that I have conferred with the office of Assistant District Attorney Helena Faulkner as counsel for Appellee State of Texas via telephone on or before the date of the filemark appended hereto. The State is opposed to the Court granting the motion.

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on the following counsel of record via e-service on this the 10th day of May, 2019:

Counsel for Appellee State of Texas:

Sharen Wilson, *Criminal District Attorney*

Joseph W. Spence, *Assistant Criminal District Attorney, Chief, Post-conviction*

Helena F. Faulkner, *Assistant Criminal District Attorney*

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/s/ Thomas Buser-Clancy
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